

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

In Re:

JERRY D ANDERSON
DEBRA A ANDERSON
Debtor(s)

Case #: 14-06904
Chapter 13
Hon. John T. Gregg
Filed: October 29, 2014

FIRST PRE-CONFIRMATION PLAN AMENDMENT

HISTORY:

- The Original Plan was filed on December 1, 2014. (DN 21.)
 - The First Pre-Confirmation Plan Amendment was filed March 2, 2015. (DN 36.)
 - The First Pre-Confirmation Plan Amendment was withdrawn on March 4, 2015. (DN 37.)

PURPOSE:

- This Plan Amendment modifies Paragraph II.A by lowering the Debtors' plan payment from \$1,650.00 per month to \$1,482.00 per month and to change the method of payment.
- This Plan Amendment modifies Paragraph III.A.3.b. by noting that the Attorney fees shall be paid after all necessary equal monthly payments on secured continuing claims, secured claims, executory contract claims, which is a modification of Paragraph IV.H.
- This Plan Amendment modifies Paragraph III.B.2 by modifying the estimated amount and nature of debt to the amounts stated in the IRS' Amended Proof of Claim and adding an estimated amount and nature of debt for the State of Michigan based on their Proof of Claim.
- This Plan Amendment modifies Paragraph III.C.1.a by modifying the monthly payment amount and estimated arrearage to the amounts stated in Caliber Home Loans' objection to confirmation.
- This Plan Amendment modifies Paragraph III.F.1 to change the funds estimated to be available to General Unsecured Creditors to \$5,082.04.

This Amendment affects the above-referenced paragraphs only. All other provisions of the Plan, as amended, remain unaffected by this Amendment.

II. FUNDING

- A. **PLAN PAYMENT** The Debtor(s) shall make payments in the amount of ~~\$1,650.00~~ \$1,482.00 per () week, () bi-weekly, () semi-monthly, (XX) monthly, and/or (XX) Other (see "Additional Plan Payment Provisions" below) for the minimum of the Applicable Commitment period (ACP).

(XX) **Additional Plan Payment Provisions:**

- To be paid via ACH.

III. DISBURSEMENTS

- A. **ADMINISTRATIVE CLAIMS.** The Debtor(s) shall pay in full, in deferred cash payments all allowed claims entitled to priority under 11 U.S.C. Section 507.
3. **Attorney fees** exclusive of costs and expenses: An initial fee of \$3,200.00 less fees paid of \$1,451.00, leaving a fee balance in the amount of \$1,749.00 to be paid by the Trustee pursuant to the priorities set forth in paragraph IV H.4 of this Plan.

- a. () Attorney fees shall be paid at the rate of \$_____per month until paid in full pursuant to paragraph IV. H of the Plan.
- b. (X) Attorney fees shall be paid after all necessary equal monthly payments on secured continuing claims, secured claims, executory contract claims which is a modification of paragraph IV.H.

B. PRIORITY CLAIMS

2. Priority Tax Claims are allowed claims under Section 507 and shall be paid in full by the Trustee.

Post-petition priority tax claims-absent objection, post-petition priority claims shall be paid in full pursuant to 11 U.S.C. Section 1305(a)(1) and (b). Any portion of the § 1305 claim that is not paid through the Chapter 13 plan for whatever reason, including dismissal or conversion to Chapter 7, will remain non-dischargeable, even if the debtor(s) receive(s) a discharge.

Mandatory information:

Creditor	Estimated Amount ⁱ	Nature of Debt
IRS	\$12,754.89 \$1,245.70	Unassessed No Return 2011, 2012, 2013 Taxes Due – 2011, 2012, 2013
State of Michigan	\$6,986.78	Taxes Due – 2011, 2012, 2013

3. Other Priority Claims or Payment Provisions:

C. SECURED CREDITORS

1. Real Property:

- a. **Residential:** Post-Petition Mortgage Payments and Pre-Petition Arrears. The following is the street address and the tax ID parcel # for the Debtor's residential real property:

Property # 1 1550 S Onondaga Rd Tax ID 33-09-09-29-200-015 , Property # 2 _____

Creditor Name	Trustee Pay (Y/N)	Monthly Payment Amt.	Estimated Arrearage ⁱⁱ	Taxes & insurance escrowed with lender? Y/N
#1 Caliber Home Loans	Y	\$1,080.43 \$987.84	\$6,482.58 \$8,384.77	Y
#2				

F. UNSECURED CREDITORS

1. General Unsecured Creditors: Claims in this class are paid from funds available after payment to all other classes. The payment allowed to the general unsecured claimants will be satisfied by:

- () Payment of a dividend of 100%. Plus present value of _____% interest, if necessary to satisfy the Best Interest of Creditors Test, **OR**
- (XX) Payment of a pro-rata share of a fixed amount of ~~\$4,299.09~~ \$5,082.04 set aside for creditors in this class or for the ACP, whichever pays more. This fixed amount shall be reduced by additional administrative expenses including attorney fees. However, this fixed amount shall not be reduced below the liquidation value specified in Provision I.B.

ⁱ Projected claims as follows: the amount stated is an estimate only; the claim controls as to the amount of the debt.

ⁱⁱ The pre-petition arrearage is an estimate and the Trustee shall pay the pre-petition arrears based on the claim as filed by the Creditor. Any claim filed for pre-petition arrears shall be paid through the Plan over a reasonable period of time and pro-rata with other secured creditors

Date:

3/2/15

A handwritten signature in blue ink, reading "Jerry Anderson", written over a horizontal line.

Jerry Anderson, Debtor

Date:

3/2/15

A handwritten signature in blue ink, reading "Debra A. Anderson", written over a horizontal line.

Debra Anderson, Debtor

Date:

3/2/15

A handwritten signature in blue ink, reading "Michael T. Brown", written over a horizontal line.

Robert W. Dietrich (P49704)

Michael T. Brown (P71385) , Counsel for the Debtor

Anderson, Jerry & Debra	Filed	10/29/2014	District	Western (Barbara Foley)
14-06904	Claims Bar	2/18/2015	End Date	10/29/2019
3/2/2015	Confirmed	1/1/2011	1. Length of plan	60 Months

Remaining length of plan 56 Months Current Payment
Estimated dividend % to unsecured creditors 27.00% 1,482.00 Monthly

2. Debtor:	1,482.00 per pay	Monthly		56	82,992.00
1/1/2011	0.00 per pay	Monthly	1,482.00	105	0.00
1/1/2011	0.00 per pay	Monthly	1,482.00	105	0.00

4. Lump Sum Payments: Payment made 2/27/15 1,700.00
Balance on hand (with Trustee) 2,979.12

5. Total to be paid into the Plan (total of line 2 through 4) **87,671.12**

Plan is OVERFUNDED 81.91

Total to be paid into the plan **87,589.21** or **1,480.54** Monthly
683.33 Bi-Weekly
341.67 Weekly

6.a. Estimated trustee's fees 4.90% 4,291.87

Bankruptcy Court - Filing Fee 310.00

Estimated Attorney Fees & Costs

6.b. Pre-confirmation		1,784.00
6.c. Post-confirmation	56 months	60.00 3,360.00
		5,144.00

6.e. Total mortgage and other continuing secured debt payments

Caliber	56 months	987.84	55,319.04
none	0 months	0.00	0.00
none	0 months	0.00	0.00
			55,319.04

6.h. Total of arrearage claims

Caliber Arrears	8,384.77
Caliber - Post-Petition Charge	825.00
none	0.00
	9,209.77

6.f. Total non-continuing secured debt payments (including interest)

Continuing Debt	0.00
none	0 months 0.00 0.00
none	0 months 0.00 0.00
none	0 months 0.00 0.00
	0.00

6.g. Total priority claims 8,232.48

7. Total Disbursements other than to General Unsecured Creditors 82,507.16

Taxes - unsecured	8,804.35
Lien stripped mortgages - unsecured	0.00
Cram downs - unsecured	0.00
General unsecured debts	10,018.03
Total unsecured claims (if all file)	18,822.38

8. Funds estimated to be available for General Unsecured Creditors 5,082.04